

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Civil Miscellaneous Appellate Jurisdiction)

M.A. No. 472 of 2018

United India Insurance Co. Ltd. Appellant
.....
Versus

Nutan Devi & Ors. Respondents

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

For the Appellant : Mr. G.C. Jha, Advocate
For the Respondents :

05/Dated: 05/04/2021.

Heard, learned counsel for the appellant.

The United India Insurance Co. Ltd. has preferred this instant Miscellaneous Appeal against the order dated 03.05.2018 passed by learned District Judge-XIV-cum- Addl. Motor Accident Claim Tribunal, Dhanbad in Motor Accident Claim Case No.284 of 2013, whereby amount of Rs.50,000/- has been directed to pay to the claimants by the United India Insurance Co. Ltd. within a period of one month from the date of order, failing which the Insurance Company shall have to pay simple interest @ 9% from the date of institution of the case till realization of the amount.

Learned counsel for the appellant has submitted that originally the vehicle belongs to one, Nakul Mahato, which was transferred to Laxmi Devi on 04.10.2014. Copy of temporary permit of truck, certificate of fitness policy have been brought on record, but from perusal of the same, it appears that the Insurance paper was fake, which was filed by the owner of the vehicle before the learned Tribunal as the period of Insurance has been shown from 00.00 Hours of 13.02.2013 to midnight of 16.12.2013 vide certificate no.2107003112P185297185.

Learned counsel for the appellant has thus submitted that under the aforesaid circumstances, let notice be issued to respondent no.5- Smt. Laxmi Devi (Owner of the Truck No.JH-09-3151).

Considering the same, notice may be issued to respondent no.5- Smt. Laxmi Devi, W/o Ram Singh, R/o Jamadobha, Bhaga, near High School, Dhanbad, P.O. & P.S. Dhanbad, District- Dhanbad, Jharkhand (Owner of the Truck No.JH-09-3151) under both the process, i.e. under registered cover with A/D as well as under ordinary process for which requisites etc. must be

filed within a period of two weeks.

In the meantime, the Secretary, District Legal Services Authority, Dhanbad is directed to verify whether any application under Section 166 of the MV Act has been preferred by the claimants or not?

If no application under Section 166 of the MV Act has been preferred by the claimants, the Secretary, District Legal Services Authority, Dhanbad is directed to verify whether the claimants requires any legal assistance under Section 12 of the Legal Services Authority Act or not?

If the claim application has already been preferred by the claimants before the learned Tribunal under Section 166 of the MV Act then a report be called for from the learned tribunal about the stage of the claim application and if it has been disposed of then copy of the judgment may be remitted to this Court.

Put up this case after receipt of the service report along with the report submitted by the Secretary, District Legal Services Authority, Dhanbad.

Let a copy of this order be communicated through FAX to the learned Principal District & Sessions Judge, Dhanbad at once.

(Kailash Prasad Deo, J.)